

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 33477 of 2007(I)

PETITIONER:

ABDUL KHADER.V.M., S/O.MUHAMMAD RAWTHER,
VELLAKUTTY HOUSE, KAIPARAMBU P.O.,
THRISSUR.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY SECRETARY, K.S.E.B,
VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.
2. ASSISTANT ENGINEER, K.S.E.B.,
ELECTRICAL SECTION, CHITTUR, PALAGHAD DISTRICT.
3. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
CHITTUR TALUK, PALAGHAD DISTRICT.

BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B
SMT.SMITHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF DEMAND NOTICE NO.BB/3/AE/05-06 DATED 17/02/2006 ISSUED BY 2ND RESPONDENT TO DAISY MARY FLORA.

P2 : COPY OF DEMAND NOTICE NO.C4.46/07/KSEB DATED 13/03/2007 ISSUED BY 3RD RESPONDENT TO DAISY AND MADE OVER TO PETITIONER.

P3 : COPY OF DEMAND NOTICE PRIOR TO ATTACHMENT OF LAND NO.C4.46/07/KSEB DATED 13/03/2007 ISSUED BY 3RD RESPONDENT TO DAISY AND MADE OVER TO PETITIONER.

P4 : COPY OF LAWYER NOTICE DATED 27/10/2007.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 33477 of 2007

Dated, this the 13th day of December, 2007

J U D G M E N T

Petitioner is challenging recovery proceedings for recovery of electricity dues due from one Ms.Daisy Mary Flora, who was a tenant in petitioner's shed in the coconut garden. Petitioner's case is that petitioner is neither a subscriber nor a guarantor for payment of electricity dues. KSE Board has also no case to the contrary. On the other hand, learned standing counsel for the KSEB submits that petitioner had executed a consent agreement for giving connection to the tenant. The consent agreement itself does not involve any commitment for payment by the petitioner. Therefore, recovery has to be made from the consumer. This writ petition is, accordingly, allowed directing respondents to trace the consumer and disconnect domestic supply of such consumer and effect recovery through coercive steps, failing which recovery can be made from the concerned KSE Board officials, who gave connection without collecting security and without knowing the whereabouts of the consumer.

(C.N.RAMACHANDRAN NAIR, JUDGE)